

United States District Court

WESTERN DISTRICT OF WASHINGTON

KORY NIELSEN

JUDGMENT IN A CIVIL CASE

v.

MAGGIE MILLER-STOUT

CASE NUMBER: C07-5192FDB

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation; and

The Ninth Circuit decision in Schardt v. Payne, 414 F.3d 1025 (9th Cir. 2005), holding that Blakely v. Washington, 542 U.S. 296 (2004) does not apply retroactively is binding precedent on this tribunal. This petition is **DISMISSED WITH PREJUDICE**.

September 27, 2007
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk